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E.O. 12958: DECL: 11/05/2019

TAGS: KACT MARR PARM PREL RS US START

SUBJECT: START FOLLOW-ON NEGOTIATIONS, GENEVA (SFO-GVA-VI):
(U) SECOND MEETING OF THE TREATY TEXT AND DEFINITIONS
WORKING GROUP DEFINITIONS SUBGROUP, OCTOBER 30, 2009

REF: GENEVA 0981 (SFO-GVA-VI-036)

Classified By: A/S Rose E. Gottemoeller, United States
START Negotiator. Reasons: 1.4(b) and (d).

11. (U) This is SFO-GVA-VI-043.

12. (U) Meeting Date: October 30, 2009
Time: 10:00 A.M. - 12:00 P.M.
Place: Russian Mission, Geneva

SUMMARY

13. (S) The second meeting of the Treaty Text and Definitions Working Group (TTDWG) Definitions Subgroup was held at the Russian Mission on October 30, 2009. The Subgroup discussed 13 definitions from the Group II Terms and Definitions (REFTEL). The sides agreed to accept two definitions and delete two terms. Two underlying themes were: (1) the continued use of nested terms to create certain definitions; and (2) whether to include existing START or new terms that the Russian side believed were superfluous. There was significant disagreement on the use of the word "deployed" in the definition of "existing type."

14. (S) SUBJECT SUMMARY: Overarching Themes; The List of Terms Discussed; and, Follow-up from Previous Meeting.

OVERARCHING THEMES

¶5. (S) The subgroup discussed an additional 13 definitions from the Group II Terms and Definitions (those terms the delegations could discuss in the purview of the Definitions Subgroup without awaiting resolution in other working groups). The Russian side continued striving to reduce the number of terms in the START Follow-on (SFO) Treaty. After prolonged discussion, underlying issues were identified: the Russian doubt about the need for including a series of nested terms to achieve a complete and accurate definition for certain terms, and whether to include existing START or new terms that the Russian side believed were superfluous. Although both sides disagree on certain definitions, there are several definitions where both sides have agreed to defer discussion until key decisions are made in other working groups. For example, there was a significant disagreement regarding the use of the word "deployed" in the definition of "existing type."

THE LIST OF TERMS DISCUSSED

¶6. (S) Mr. Siemon began by committing to deliver two papers to the Russian side when they returned to Geneva in a week: (1) a proposal for the title and organization of the second-tier document related to terms and definitions, to resolve many of the structurally-based text brackets throughout the set of documents; and (2) an approach for dealing with the series of nested terms needed to achieve

complete definitions for certain terms. The following terms were discussed in the English alphabetized order of the remaining Group II terms:

-- "Aircrew Member." Both sides accepted the definition as follows: "The term "aircrew member" means an individual who performs duties related to the operation of an airplane and which is included on the inspecting Party's list of aircrew members." It was agreed that the U.S.-proposed reference to the Inspection Protocol was covered by the Annex chapeau. This term was moved to Group 1 (agreed terms).

-- "Airplane." Further discussion was deferred until after resolution of the use of nested term in treaty definitions.

-- "Distinguishable." Admiral Kuznetsov stressed the need to find a unified term so that similar but different terms do not introduce confusion when used in different parts of the treaty and associated documents. Kuznetsov provided different examples like "distinguishable features" in the Memorandum of Understanding (MOU) and "differences" in the Inspection Protocol (IP). That said, it was agreed to move this term to Group 1 with the caveat to revisit it during the endgame, if required. The agreed understanding is: "The term 'distinguishable' means 'different' on the basis of the totality of function and external differences that are observable by national technical means of verification, or, when such observations may be inconclusive in the opinion of the inspecting Party, that are visible during inspection."

-- "Existing type." Ms. Kotkova disagreed with including this term based on the premise that existing types would be listed in Article III of the treaty (and therefore agreed upon signature). Mr. Dean stressed the term's importance and value as a formally defined term whether or not it is included in Article III. When the U.S. side did not relent, an emotional Kuznetsov directed his disagreement to the use of the word "deployed" in the definition rather than the words "in possession." (Begin comment: The U.S.-proposed definition is: "The term existing type" means for ICBMs, SLBMs, or heavy bombers, a type of ICBM, SLBM, or heavy bomber of that type was deployed on the date of signature of

this Treaty.") Kuznetsov threatened that "while he is on the delegation, there will never be the term 'existing type'."

-- "Heavy Bomber." Siemon introduced the term, acknowledging that the final definition would be influenced by future decisions on the use of nested-term definitions. Kuznetsov outlined the Russian position regarding the additional language proposed by the United States citing that, historically, there had been no question as to the definition of a heavy bomber. He accepted the need for the definition to include the range and equipment, but proposed using "unless otherwise agreed" in place of the four paragraphs proposed by the U.S. side for further clarification. The U.S. Delegation agreed that the working group would revisit this question.

-- "Heavy bomber equipped for non-nuclear armament." The sides agreed that this was a useful term and that the working group would come back to it after the MOU Working Group had completed its work.

-- "Heavy bombers equipped for nuclear armaments." Siemon introduced this term, acknowledging that the final definition would be influenced by future decisions on the use of nested-term definitions. Kuznetsov and Kotkova questioned the need for this new U.S.-proposed term, citing the circular logic when linked to the term nuclear armaments for heavy bombers. The United States stressed the importance of defining this term, since nuclear armaments will be used as a counting limit in this treaty. This term would be revisited as the treaty progresses to completion.

-- "Inspection Team." The sides agree that possible use of "inspection activity" rather than "inspection, visit, and exhibition" might be a creative solution to listing the different types of inspections in this definition. The sides agreed that the final definition of this START term must reflect the outcome of the Inspection Protocol Working Group's negotiations.

-- "Inspector." The second emotional discussion of the meeting occurred when considering the Russian proposal to allow the sides to "agree" (or more importantly disagree) with the list of inspectors. Kuznetsov, followed by Mr. Luchaninov stressed that a more formal clearance procedure was preferable and would not be an issue, based on past experience. The U.S. Delegation made clear that, under START rules, inspectors on the list could only be rejected for two reasons: (1) if they had been convicted of a crime, or (2) had been previously expelled from the United States or the Union of Soviet Socialist Republics or the Russian Federation. He noted the United States found these rules sufficient and would like for them to be retained to avoid potential tit-for-tat challenges to inspection lists. The sides agreed that this term would be revisited.

-- "Launch Canister." The Russian side considered accepting this U.S.-suggested term if the term "loading tube" would also be added. It was decided that the sides would wait until other working groups completed their work.

FOLLOW-UP FROM PREVIOUS MEETING

¶7. (S) The U.S. side was able to indicate its provisional agreement to remove the term "category" from the list, pending the outcome of the MOU Working Group negotiations. In addition, the U.S. Delegation accepted the removal of the terms "inspected Party" and "inspecting Party" as they were well-accepted and self-explanatory terms.

¶8. (U) Documents exchanged.

- Russia:

¶9. (U) Participants:

U.S.:

Mr. Siemon
Lt Col Comeau
Mr. Connell
Mr. Dean
Dr. Dreicer
Mr. Taylor
Mrs. Zdravecky
Dr. Hopkins (Int)

RUSSIA

ADM Kuznetsov
Ms. Fuzhenkova
Col Kamenskiy
Ms. Kotkova
Mr. Luchaninov
Mr. Gayduk (Int)

¶10. (U) Ries sends.
GRIFFITHS